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Note verbale dated 17 July 2003 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Secretary-General

The Permanent Mission of the Republic of Moldova to the United Nations has the honour to transmit herewith the political message from the Committee of Ministers of the Council of Europe to the World Summit on the Information Society (Geneva, 10-12 December 2003) (see annex). Since the Republic of Moldova currently holds the chairmanship of the Committee of Ministers, the Permanent Mission would be grateful if the present letter and its annex were circulated as a document of the General Assembly, under agenda item 93 (b) and subsequently as a document of the World Summit on the Information Society.

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Annex to the note verbale dated 17 July 2003 from the Permanent Mission of the Republic of Moldova to the United Nations addressed to the Secretary-General

[Original: English/French]

Ministers' Deputies
CM Documents

CM(2003)87 final 24 June 2003

Political message from the Committee of Ministers to the World Summit on the Information Society (WSIS) (Geneva, 10-12 December 2003)

(Adopted by the Committee of Ministers on 19 June 2003 at the 844th meeting of the Ministers' Deputies)

1. We, the member states of the Council of Europe, are committed to building societies based on the values of human rights, democracy, rule of law, social cohesion, respect for cultural diversity and trust between individuals and between peoples. We believe that the World Summit on the Information Society holds great promise to secure these values in the newborn information society and reach the Millennium Development Goals.

Human rights and sustainable development

2. We reaffirm the indivisibility and interdependence of all human rights - civil, political, economic, social and cultural - and their ties to the principles of a democratic society, the rule of law and sustainable development. In the hopes and perils of the transformation to the information society, we are determined to maintain and strengthen all these values.

3. The freedom of expression and information, as enshrined in Article 19 of the Universal Declaration of Human Rights and Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), is a keystone of our commitments. We share the vision that information and communication technologies (ICT) provide unprecedented opportunities for realising that this freedom is fully enjoyed by everyone worldwide. Human rights standards recognise that other legitimate rights and interests may constrain the exercise of information freedoms. Indeed, the European Convention on Human Rights includes, in Article 8, the right to respect for private life and correspondence. Content and communications, including private correspondence, should nevertheless not be subject to restrictions other than those foreseen in these provisions and in the case-law of the European Court of Human Rights, or different forms of intrusion, simply because they are carried in digital form or by other means of new technology.

4. The quality of information becomes not less but more important as barriers fall. Our public authorities try to support citizens in reaching for reliable and comprehensive information through all media, and avoiding the real dangers of confusion and abuse, not by censorship but by education for discernment and exemplary public information. They should also put into place rules for the repression of wrongdoing and the protection and compensation of victims.

5. The traditional media, including local and community radio, have a vital role in programming, producing, and distributing diverse, high-quality content in the information society and providing moderated platforms for public debate. Independent public service broadcasting has a special mission to ensure access to information and culture for all citizens

and drive the creation of domestic content. We hold that the public service principle should be maintained and developed in the digital environment through a range of digitised public information services.

6. We believe that equitable access to information is an essential factor in sustainable development. In an information-based world, information has to be regarded as a fundamental resource for balanced human development to which everyone needs to have access. We are concerned about the grave risks of a "digital divide" both between nations and within nations, widening existing disadvantages such as those arising from discrimination based on gender, religion, or ethnic or racial origin.

7. The exercise of all rights and freedoms is mediated more and more by digital technology. Effective and equitable access to communications services, skills and knowledge is becoming a precondition for full citizenship of individuals. We welcome initiatives for high-quality open-source and public domain software, as a complement to commercial software and a means to wider access. We recognise that public authorities should take positive action to widen access, deepen it by education and advice, and ultimately make it universal.

Democracy and citizenship

8. We believe that ICT can strengthen representative democracy by making it easier to hold fair elections and public consultations, accessible to all, help to raise the quality of public deliberation, and enable citizens and civil society to take an active part in policy-making at national as well as local and regional levels. ICT can improve access to justice and make all public services more efficient, responsive and accountable. Democratic electronic governance, evolving through the concerted efforts of all members of society, should reach all fields of policy.

9. To this end, we have agreed that everyone should have access to official documents held by public authorities, recorded in any form, subject to the protection of privacy and other legitimate rights and interests, including the presumption of innocence. We give practical support for the use of information technologies to provide legal information and channels of communication to and from the courts, and simplify other legal transactions.

10. We aim to develop a democratic and participatory information society at local and regional levels. We invite the Summit to encourage governments to draw up national action plans and enter into partnerships for that purpose with local and regional authorities and other stakeholders. Governments should also engage civil society in dialogue on policies for ICTs, and consult relevant NGOs during the drafting of legislation.

11. We have agreed that public access points, providing affordable or free-of-charge access for the citizens to the Internet, and possessing sufficient capacity to provide assistance to users, should be established in libraries, educational institutions, public administrations or other public places. We will maintain the public library service adapted to the digital era.

12. Our key strategy for social cohesion is to ensure real and effective access for all to their social rights and public services. We look to ICT for ways of overcoming the obstacles that prevent people from effectively claiming their rights and for improving the quality of life of vulnerable people such as the elderly, the chronically ill, people with disabilities and all who are at risk of social marginalisation. We recognise that new technologies can also create new obstacles and new forms of exclusion. Within a broad effort to make public services more accessible, transparent, and effective, we will seek ways of interlinking social and other public services and of improving user participation in their reshaping.

Creating trust by the rule of law

13. We believe that the rule of law is essential for the information society to become a space of confidence, trust and security, where the rights of individuals - and especially children - are protected, users are empowered to avoid harmful content, and governance, administration and justice become more open and efficient. The rule of law will be a reality when state regulation, co-regulation and self-regulation work together under national legislation and international standards to build a clear regulatory framework in the full respect of human rights. Aware that information flows easily

regardless of frontiers and domestic jurisdictions, and that new technologies challenge existing legal concepts, we have acted to develop adequate international legal instruments.

14. We have called on states, working with business, to adopt a specific common policy against the inherently global threat of crimes committed using information technology - cybercrime - through legislation and international co-operation. The Council of Europe's Convention on Cybercrime, with its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, lays down balanced standards and creates a co-operation process open to all states. To illustrate the need for deeper cooperation, we point to the use of ICT within the odious traffic in human beings.

15. We have also called for national data protection laws that strike a fair balance between respect for the privacy of individuals and the free flow of information between peoples. This balance is the essence of the Council of Europe Data Protection Convention, also open to non-member states. We require that compulsory transfer of personal data, for public interest purposes, to States that are not party to the Convention, be accompanied by adequate safeguards.

16. We encourage all states to become parties to the Council of Europe Convention on Cybercrime and its Additional Protocol, as well as the Council of Europe Data Protection Convention and its Additional Protocol, or at the very least be guided by their principles and rules in their national legislation, policy and practice.

Cultural diversity and educational empowerment

17. We agree that the preservation and promotion of cultural and linguistic diversity, and active intercultural dialogue are hallmarks of a thriving information society. We have declared that a diverse and widely distributed range of cultural, educational and other products and information services can also stimulate creativity and deepen access to the benefits of the information society.

18. We have undertaken to safeguard the cultural heritage as a common trust, and keep it accessible as a living part of today's culture. We are preparing a new framework convention on the cultural heritage as a factor of development that will lay down standards for its preservation, enhancement, and exploitation, making full use of the potential of ICT.

19. We affirm that our duty of care for the shared heritage includes the public domain of cultural information, especially of writings, speech, images and music. At the same time, we reaffirm the essential significance of the protection of copyright and neighbouring rights as an incentive for literary and artistic creation, and recall our contributions towards the international legal framework for the protection of works in digital form.

20. We promote better, wider and more equitable use of ICT at all levels of lifelong learning, and intend to develop policies to support the use of digital material for educational and other social purposes. ICT will play a key part in the forthcoming European Year of Citizenship through Education (2005), the organisation of which is proposed for 2005. We recognize that citizens, both women and men, empowered to make active, discerning and creative use of both traditional and new media are the best guarantee for a democratic information society.

Action plan

21. We are ready to contribute to a global information society based on the principles set out above. We support international initiatives which converge with them. In this spirit we will examine the outcomes of the World Summit to identify further practical steps where we can join in wider efforts.

22. We are willing to share with other regions of the world the expertise and knowledge embodied in our legal instruments, policy recommendations, educational tools and programmes. We will keep assessing and improving these instruments through our intergovernmental, interparliamentary, and convention-based cooperation, making use of the many opportunities opened by these mechanisms for dialogue with other regions of the world and the international community.

23. For this purpose, we wish to highlight a number of current and possible future initiatives:

•examining the adaptation to other more recent forms of content delivery the standards applicable to the broadcast media, including:

- the separation of editorial content and advertising
- the protection of minors against illegal and harmful content
- the prohibition of certain types of advertising;

• supporting the training of journalists in using ICT and in adapting their role to a changed environment with increased competition from non-professional information providers. Journalism adhering to standards of professionalism will continue to be vital in providing well-researched and credible information about matters of public concern;

• creating a forum for public authorities in member states to exchange information and experiences on the development of digital broadcasting, especially in providing access to new information services, and the European model of public service broadcasting. This model, combining journalistic and creative independence with public service goals of pluralism, wide access and social cohesion, may be of value to other regions;

• establishing standards for e-enabled voting, to allow elections and referenda to be held by electronic means in full respect of the fundamental legal principles of democratic elections. Adoption of these standards by the ICT industry would also favour the interoperability and cost-effectiveness of equipment and services;

• reflecting on the possible drafting of a binding legal instrument on access to official documents, following the principles of an existing recommendation to governments;

• developing policy guidelines on e-governance at local, regional and national levels as a framework for addressing issues of:

- the necessary partnerships between the different levels of public administration
- increased public participation in decision-making with the help of ICT
- e-enabled access to publicly held information, social services and justice
- the development of comprehensive cultural strategies and sustainable spatial planning policies for the information society;

• preparing recommendations within the current project on social services on ways of using ICT:

- to improve user participation
- to achieve integration of the various services available to the public in order to improve their overall effectiveness;

• considering the possibility of offering a platform for a multidisciplinary activity, open to non-member States, international organisations and private stakeholders, to study the feasibility of preparing a Code of use of the Internet, containing the rights and duties of all users, and operating on the basis of the principle of co-regulation;

• promoting the rapid ratification and effective implementation of the Convention on Cybercrime and its Additional Protocol;

• drawing up a European Convention on the fight against the trafficking in human beings, including consideration of ICT aspects;

• promoting the implementation of the Data Protection Convention, its Additional Protocol, and other existing instruments on data protection, application of their principles to new technological developments, especially concerning:

- the use of smart cards, particularly multifunctional ones including a national identity card function
- video surveillance
- biometrics
- the rights of data subjects.

This work will be open to all member States of the Council of Europe and the other States Parties to the Council of Europe Data Protection Convention;

• supporting the elaboration, within UNESCO, of an international binding legal instrument on cultural diversity;

• preparing a European convention on the cultural heritage as a factor of development, consolidating existing standards and adapting them to new issues such as:

- access for the entire population to what can be considered as a common heritage
- guidelines for the commercial and non-commercial use of heritage in a globalised economy
- setting up an information service on new topics such as the digitisation of heritage.

This work will be carried out in close liaison with the abovementioned work under way in UNESCO;

• drawing up guidelines, in co-operation with the European Ministers of Education, to foster the integration of information and communication technologies in primary and secondary education in Europe. Preparing an educational toolkit on Internet literacy, to enable all members of society to make safe, constructive and creative use of the Internet.

Appendix

Key texts

A fuller bibliography is included in the information document submitted earlier to the WSIS preparatory Commission on the work of the Council of Europe, reference IP1 (2002) 27.

General

(Paragraph 1)
Action Plan of the Second Summit of the Council of Europe, Strasbourg, October 1997

Declaration of the Committee of Ministers on a European policy for New Information Technologies adopted on 7 May 1999

Declaration of the Committee of Ministers on freedom of communication on the Internet adopted on 28 May 2003

Human rights and sustainable development

(Paragraph 3)
European Convention on Human Rights

Declaration of the Committee of Ministers on freedom of expression and information adopted on 29 April 1982

Recommendation Rec(96)10 of the Committee of Ministers to member states on the guarantee of the independence of public service broadcasting
Resolution No. 1 of the 5th European Ministerial Conference on Mass Media Policy (Thessaloniki, 11-12 December 1997) (Paragraph 5)
Resolution ResAP (2001) 3 "Towards full citizenship for persons with disabilities through inclusive new technologies"

Parliamentary Assembly Recommendation 1586(2002) The digital divide and education

Democracy and inclusive citizenship

(Paragraph 9)
Recommendation Rec(2002)2 of the Committee of Ministers to member states on access to official documents

Fundamental Principles on the status of NGOs in Europe

(Paragraph 10)
Recommendation 54 (99) of the Congress of Local and Regional Authorities of Europe on Local and Regional Information Society

(Paragraph 11)
Recommendation Rec(99)14 of the Committee of Ministers to member states on universal community service concerning new communication and information services

Creating trust by the rule of law

(Paragraph 13)
Convention on Information and Legal Co-operation concerning "Information Society Services" (ETS 180)

(Paragraph 14)
Convention on Cybercrime (ETS 185) and Additional Protocol (ETS 189)

Final Report of the Group of Specialists on the impact of the use of new information technologies on trafficking in human beings for the purpose of sexual exploitation

ECRI, General Policy Recommendation No.6 on combating the dissemination of racist, xenophobic and antisemitic material via the internet
(adopted on 15 December 2000)

(Paragraph 15)
Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) and Additional Protocol (ETS 181)

Recommendation Rec(2001)8 on self-regulation concerning cyber content (self-regulation and user protection against illegal or harmful content on new communications and information services)

Cultural diversity and educational empowerment

(Paragraph 17)
Declaration of the Committee of Ministers on cultural diversity adopted on 7 December 2000

(Paragraph 18)
European Cultural Convention (ETS 18)

(Paragraph 19)
European Convention for the protection of the Audiovisual Heritage
(ETS 183) and Protocol (ETS 184)

Recommendation Rec(2001)7 of the Committee of Ministers to member states on measures to protect copyright and neighbouring rights and combat piracy, especially in the digital environment